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U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL MARITIME COMMISSION

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To: Honorable Bryant L. Van Brakle, Fax:
Secretary, Federal Maritime
Commission

From: Ann Wilkinson Date: 16 January 2004

Re: Pages:

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Honorable Bryant L. Van Brakle
Secretary
Federal Maritime Commission
800 North Capitol Street, N.W.
Washington, D.C. 20573

Re: Petition NO. ~~25-03~~ 25-03; Petition of National Customs Brokers and Forwarders
Association of America, Inc., for a Limited Exemption from Certain Tariff Filing Requirements of the
Shipping Act of 1984

Dear Secretary Van Brakle,

We are submitting these comments in support of the Petition of National Customs Brokers and Forwarders Association of America, Inc. ("NCBFAA") for an exemption to eliminate the requirement that NVOCCs file tariff rates for their cargo shipments. Worldlink Logistics, Inc., is an NVOCC with headquarters at 701 Cooper Road, Suite 7, Voorhees, New Jersey, 08043, USA. We have been operating in the U.S. trades as an NVOCC for 15.5 years. We have 16 employees and transported approximately 7500 shipments in the last year as an NVOCC.

In our experience, NVOCC customers do not use our tariff for any reason. To obtain rates from our company, or, indeed, from our competitors, customers simply call or e-mail us with their shipment information and rate request. If they do not like our rates or the combination of our rates and services for their shipments, they simply use one of our NVOCC competitors or a vessel operator for their cargo. In fact, we are not aware of any customer that has referred to our tariff within the past eight to ten years, or ever for that matter.

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We are aware that several large NVOCCs have filed exemption petitions with the Commission requesting authorization for NVOCCs – or at least large NVOCCs – to enter into private confidential service contracts with their customers. Although we support the general principle that NVOCCs should be able to enter into private contractual arrangements with their customers just as the vessel operators are able to do in confidential service contracts, we believe the NCBFAA's request to simply eliminate tariff rate filing requirements makes much more sense for the NVOCC industry. NVOCCs in the United States are subject to comprehensive regulatory supervision by the Commission as a condition of their licenses. Thus, there is no need for NVOCCs to be required to file their customer contracts with the Commission. Further, NVOCC rates are subject to strong, competitive, marketplace pressures that enable NVOCC customers to shop around and obtain the very best deals. The Commission, therefore, has no need to monitor NVOCC rates. If, on the other hand, NVOCCs are found to be treating their customers unfairly, the Commission already has full powers to investigate U.S. NVOCCs pursuant to its licensing powers. Since unlicensed, foreign-based NVOCCs must use licensed U.S. ocean transportation intermediaries as their agents, the Commission also has power to investigate their activities through review of their agents' records.

In sum, we are in complete agreement with the NCBFAA's position that tariff rate filing for NVOCCs should be eliminated. No other type of transportation service provider in air, land, or ocean industries is subject to mandatory rate filing requirements, including vessel operating carriers who possess anti-trust immunity. The NVOCC industry – which is highly competitive and market driven – should, like air carriers, rail carriers, ocean carriers, and air and rail intermediaries, be able to make individual pricing arrangements with their customers free from mandatory tariff rate filing responsibilities.

Thank you for your consideration of our comments.

Sincerely,



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